



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony Esposito et al.

Title: LIQUID STICK ANTIPERSPIRANT

Docket No.: 967.081US1

Serial No.: 10/710,646

Filed: July 27, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 1616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the attached:

- Communication Re: Incorrect Filing Receipt (1 pg.)
- Copy of Filing Receipt (2 pgs.)
- Copy of Declaration and Power of Attorney (4 pgs)
- A return postcard.

No Additional fee is required.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer No: 21186

By: Janal M. Kalis
Name: Janal M. Kalis
Reg. No. 37,650
JMK:CMG:yrj

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of November, 2004.

Yvette R. Jarjour

Name

Signature



S/N 10/710,646

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony Esposito et al. Examiner: Unknown
Serial No.: 10/710,646 Group Art Unit: 1616
Filed: July 27, 2004 Docket: 967.081US1
Customer No. 21186 Confirmation No. 4325
Title: LIQUID STICK ANTIPERSPIRANT

COMMUNICATION RE: INCORRECT FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby request correction of the Filing Receipt with respect to the above-identified patent application. In the Filing Receipt received September 17, 2004, (copy enclosed), The Filing Receipt shows only one inventor, but there should be three. Listed as **Anthony Esposito, Roselle, NJ; Thomas Schamper, Cranbury, NJ; and Eddie Carl Henry, Flanders, NJ.** (In this Order). This is evidenced by the Declaration and Power of attorney filed with Missing Parts November 10, 2004 (copy enclosed).

Applicants would appreciate the above-identified printing error be corrected and that a new "corrected" filing receipt be sent to Applicants' representatives at the address given below.

Respectfully submitted,
ANTHONY ESPOSITO ET AL.
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6976

Date 11 Nov. 04 By JMK
Janal M. Kalis
Reg. No. 37,650
JMK:CMG:yrj

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of November, 2004.

Yvette R. Jarjour
Name

Yvette R. Jarjour
Signature

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LIQUID STICK ANTIPERSPIRANT**.

The specification of which was filed on July 27, 2004 as application serial no. 10/710,646.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Attorney Docket No.: 967.081US1
Serial No. 10/710,646
Filing Date: July 27, 2004

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Customer Number: 21186

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Anthony Esposito

Citizenship: United States of America

Post Office Address: 414 East Third Avenue
Roselle, NJ 07203

Residence: Roselle, NJ

Signature: Anthony Esposito
Anthony Esposito

Date: Nov. 8, 2004

Additional inventors are being named on separately numbered sheets, attached hereto.

11-08-04 15:45 From-COTY INC

9736449175

T-858 P.004/021 F-497

Attorney Docket No.: 967.081US1
Serial No. 10/710,646
Filing Date: July 27, 2004

Page 3 of 4

Full Name of joint inventor number 2 : Thomas Schamper

Citizenship: United States of America

Post Office Address: 14 Brookside Court
Cranbury, NJ 08512

Residence: Cranbury, NJ

Signature:

Thomas Schamper

Thomas Schamper

Date:

11/8/04

Full Name of joint inventor number 3 : Eddie Carl Henry

Citizenship: United States of America

Post Office Address: 14 Oakwood Village
Apartment 4
Flanders, NJ 07836

Residence: Flanders, NJ

Signature:

Eddie Carl Henry

Eddie Carl Henry

Date:

11/8/2004

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



UNITED STATES PATENT AND TRADEMARK OFFICE

967-081 US1

NOV 18 2004
P-1616

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 37(c) DATE	ART UNIT	FILING REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/710,646	07/27/2004	1616	1290	967081US1		25	8

CONFIRMATION NO. 4325

21186
 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 P.O. BOX 2938
 MINNEAPOLIS, MN 55402 OCT. 24, 2004 IDS

APR. 27, 2005 9 MO FFL
 JUNE 11, 2005 10 1/2 MO FFL
 JULY 27, 2005 CANCEL EXP

FILING RECEIPT



OC000000013828238

Date Mailed: 09/17/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Anthony Esposito, New York, NY;

Assignment For Published Patent Application

Coty Inc., New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/16/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/710,646

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

PORTFOLIO I.P.

SEP 21 2004

RECEIVED

Title

Liquid stick antiperspirant

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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